

THIRTY YEAR CLASSIFICATION REVIEW

Summer 1977

Old Soldiers never die, they just fade away -- but not so with old records -- they can and do come back to haunt you! Executive Order 11652 which became effective 1 June 1972 makes certain that our old records will haunt us. Of particular currency is section 5E of that Executive Order which states that "All Classified Information or material which is thirty years old or more, whether originating before or after the effective date of this order, shall be DECLASSIFIED under the following conditions:

(1) All information and material classified AFTER the effective date of this order shall, whether or not declassification has been requested, become AUTOMATICALLY DECLASSIFIED at the end of the thirty full calendar years after the date of its original classification except for such specifically identified information or material which the head of the originating Department PERSONALLY DETERMINES IN WRITING at that time to require continued protection because such continued protection is essential to the national security or disclosure would place a person in immediate jeopardy. In such case, the head of the Department shall also specify the period of continued classification.

(2) All information and material classified BEFORE the effective date of this order and more than thirty years old shall be SYSTEMATICALLY REVIEWED FOR DECLASSIFICATION by the

ARCHIVIST OF THE UNITED STATES by the end of the thirtieth full calendar year following the year in which it was originated.

In his review, the Archivist will separate and keep protected only such information or material as is specifically identified by the head of the Department in accordance with (E) (1) above. In such case, the head of the Department shall also specify the period of continued classification."

This Executive Order applies to all U.S. Government Agencies and does not exempt this Agency just because it is in the intelligence business. It may come as quite a shock to some of you to learn that the document and material holdings of the Central Intelligence Agency are the property of the U.S. Government. Existing laws and regulations clearly identify the Archivist of the United States as the official responsible for the ultimate safekeeping of all U.S. Government documents considered worthy of permanent retention (please remember that the National Archives operates under the Administrator of General Services) according to presently defined criteria.

CIA documents and materials are no exception. The preservation of appropriate CIA records is ultimately the responsibility of the National Archives. The very sensitive nature of some of our Agency's holdings requires that this information be provided the best possible control to ensure protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States. CIA in concert with the National Archives is the temporary custodian of its documents and materials. This Agency works closely with

National Archives to ensure that Agency handling and retention of Classified documents is in accord with National Archives criteria. An advisory opinion from the Office of General Counsel (OGC) dated 3 March 1957 states that an exemption from the authority of the Administrator of General Services which may have existed from 1949 to 1954, was excluded from the revised Federal Law governing retention and disposal of U.S. Government records (Title 44, Chapter 33 of the Federal Regulations).

Executive Order 11652 clearly states that "the interests of the United States and its citizens are best served by making information regarding the affairs of Government readily available to the public. This concept of an informed citizenry is reflected in the Freedom of Information Act and in the current public information policies of the executive branch." This Agency is making every effort to conform and comply with the intent as set forth in this Executive Order and in Executive Order 11905 (Freedom of Information Act). In order to do so, any and all document reviews must apply the classification and declassification precepts as defined in E.O. 11652. The review of thirty year old documents is only one part of this Executive Order. Most of my comments will be directed toward that particular aspect of the Executive Order although each reader is urged to read and become thoroughly familiar with all aspects of that order which provides rules and regulations for the classification and declassification procedures of National Security information and material.

To ensure that the Agency would make every effort to carry out the intent of the law, the DCI on 13 May 1976, stated in his Guiding principles for the Intelligence Community that "We have an obligation to provide as much information as possible on an unclassified basis, but without derogation of the necessity to protect sensitive sources and methods and to protect information which truly requires sensitive treatment."

The Central Intelligence Agency will be thirty years old in September! Old age has crept up on us -- and now the thirty-year declassification procedures of the Executive Order apply to us! The procedures to get at and review our thirty-year old documents are not simple and the more one thinks about the large number of documents which must be reviewed, the various storage and filing systems which exist, and the extensive proliferation of our disseminations outside this Agency, the whole thing might well be described as "mind-boggling." The Director of the Central Intelligence Agency has charged the Deputy Director for Administration with the responsibility for the Declassification Review. At a meeting of the Executive Advisory Group on 1 March 1977, the decision was reached that the Declassification Program for CIA should be carried out as a centralized function supervised by the Information Services Analysis Staff (ISAS) of DDA. Centralization will provide the best means to establish and ensure a consistent Agency-wide declassification program. A DDO classification review team will be assigned to the centralized DDA unit and will *be responsible for the review of all* ~~work on all DDO documents~~ DDO documents. It is

imperative that in the review process the DDO unit maintain the integrity of the DDO Records Systems. The seriousness with which this review effort is viewed is current in the type of experienced personnel being selected for this review team. Reviewers will be selected at the GS-13/14 level from among officers who have had extensive case officer experience both in the field and at Headquarters and who have developed a wide brush knowledge of a particular component's activities to ensure that the component's equities are effectively protected. DDA/ISAS is ~~budgeting~~ ^{in the neighborhood of a} 1.1 million dollars for this effort in FY 1979. This budget is expected to cover the personnel costs for 40 staff reviewers, 13 of whom will be DDO officers. As presently constituted, the declassification review will remain separate and independent of the on-going document review handled under the Freedom of Information Act and the Privacy Act although there are areas of common interest. This interfacing will require a central registry point for all documents processed under both Executive Order 11652 and Executive Order 11905. The design of a suitable mechanical or automated date control system to record processing and review action is presently under study.

The Review of Thirty-year old DDO documents will be the responsibility of the Classification Review Branch (CRB) which is presently a part of the Information Management and Planning ~~Staff~~ ^{Group} of the Information Services Staff of the DDO. This review team will be responsible for the review of all categories

of DDO records for downgrading, declassification, destruction or exemption. The review will be handled by experienced senior operations officers who will ensure that the equities of all DDO components are considered in the review process. The activities of CRB will be closely coordinated with the components whose records are being reviewed and with the CI Staff to ensure the preservation of necessary CI information. Appropriate records will be maintained of material which is processed, and separate lists of all documents exempt from declassification will be prepared. Such exemptions will be listed for certification by the DCI and will be forwarded to National Archives in accordance with existing regulations and procedures. This unit will be responsible for reviewing DDO documents wherever located -- and at the present time we have located some 75 to 80,000 pages of CIA documents at the National Records Center at Suitland, Maryland alone. Countless other CIA documents are to be found in the various Presidential Libraries and the files of other U.S. Government Agencies.

The DDO records system works and is most effective in supporting the operational needs and mission of the DDO. As effective as it is, the DDO records system was never designed to anticipate current declassifying and reporting requirements. As you are well aware, the DDO system files neither by date or number but rather indexes to project, 201, or subject files. It is possible to trace and locate each individual document by date if -- and the if here is very big -- if it has been indexed into the system. However, the time spent in tracing and

retrieving each document by date would severely tax the manpower resources of ISS and make the review function even more mind-boggling than it is now. The language in Executive Order 11652 seems to imply that the declassification process requires a document by document review which would be most difficult to accomplish given the structure of our records system. We have looked into and discussed with appropriate officials of the National Archives the possibility of approaching the Thirty-year Declassification Review on a file by file basis when possible rather than document by document. This concept has been agreed upon in principle. The file as a whole could be determined to be exempt from declassification but any individual document in that file would be retrieved and reviewed for declassification at such time as the document was requested. The procedure in such cases would be similar with the processing given documents under the Freedom of Information Act.

An efficacious classification review program should substantively reduce the number and lineal feet of documents presently held in the DDO system. Knowledgeable officers at the National Archives have estimated that rarely does more than one (1) or two (2) percent of U.S. Government documents really qualify for permanent retention. An amount considerably larger than two percent is probably justifiable for intelligence documents per se. However, the number of DDO documents which can and will eventually be destroyed will be relatively high in comparison with documents selected for permanent retention. Over

a period of years this will mean a very real reduction in the volume as well as documents available for retrieval and use. While some scholars and intelligence officers share in common the belief that any and all information may be of value some day, the fact of the matter is that with judicial review of existing documents, the volume can be reduced without prejudicing the product. In the long run, this review process should not materially effect research capabilities either at headquarters or in the field.

The Thirty Year Declassification program on which we are now embarking is new and has no direct precedent~~te~~ although there is at present an on-going review program of OSS and predecessor organization documents. This Review is the functional responsibility of this Agency and is being handled by fifteen annuitants working part time. We anticipate that this group will complete this review by September 1980 at the present rate of processing. The lessons learned in this experience are useful in the current needs but are not totally comparable since the OSS holdings represent a finite set of documents covering a single period of history. While source protection may still be appropriate in some cases, the same sensitivities for source and method protection do not obtain as compared with post-war intelligence activities. War time information and sources differ considerably from those which are current to the Central Intelligence Agency.

It is almost standard practice today in the DDO to mark all documents "SECRET E2 IMPDET" and yet only a small portion of document originators (or their secretaries) understand what E2 means or why E1, 3 or 4 might have been more accurate. Do YOU??? As a reminder, the use of the exemption authority must be kept to an absolute minimum consistent with national security requirements and is restricted to the following categories: (E1) classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence; (E2) classified information or material specifically covered by statute, or pertaining to cryptography, or disclosing intelligence sources or methods; (E3) classified information or material disclosing a system, plan, installation, project or specific foreign relations matter, the continuing protection of which is essential to the national security; (E4) classified information or material the disclosure of which would place a person in immediate jeopardy. How much easier for the reviewer of the future to note the real reason why the document was considered for exemption in the first place. The almost standard practice of placing an E2 exemption on each document is really self-defeating since it merely postpones making a decision to the future. At that time someone else, possibly much less qualified than the originator of the document, will make the decision to declassify. The consequences of that decision could be critical to the equities of that component. A contingent

responsibility of the originator is to set a date for automatic declassification -- the easy way out, of course, is to simply code the exemption IMPDET ("IMPOSSIBLE TO DETERMINE THE DATE FOR AUTOMATIC DECLASSIFICATION"). This is true in some cases but not all cases -- let's face it, it is far easier to procrastinate than to make a decision. The originator is the individual most knowledgeable of the significance and importance of that document. He or she is obviously the person in the best position to anticipate at that time the long term retention value of each individual document. Each originator should view the retention need for a document in accordance with a simplified retention criteria. Does the document have CI, historical or legal value? Does the document represent something unique in the Agency's operational activities which justifies exemption and permanent retention? Does the document have value for a scholar or researcher in the future? The originator should certainly be the person most qualified to make a judgement decision on when the information (distinct from source or method information) can be declassified. Steps taken now by the originator will greatly assist the declassification effort in the future. Rhetorically one might well ask of the originator -- would you write and classify this particular document the same way if -- you knew that thirty years from now you would be required to review for declassification that very same document? Old Soldiers never die, they just fade away! Soldiers do but records don't -- records DO come back to haunt you!